

(94)  
9-30-02  
MTA

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

FILED  
PHILADELPHIA, PA

SEP 27 2002

CLERK

PHILLIPS-VAN HEUSEN CORP.,

CIVIL ACTION

Plaintiff

-against-

NO. 1:CV00-0665

J.V.E. Co., Inc.

(a/k/a Japan Vehicle Equipment Co.,  
U.S.A., Inc.)

(Judge Sylvia H. Rambo)

Defendant

and

THIRD CIRCUIT COURT OF  
APPEALS DOCKET NO. 02-3577

mitsui o.s.k. lines ltd., and

DAMPSKIBSSELSKABET AF 1912  
AKTIESELSKAB and AKTIESELSKABET  
DAMPSKIBSSELSKABET SVENDBORG,

Defendants/Third Party Plaintiffs,

- against -

KELLEYWAY TRANSPORTATION, INC.,  
KELLEYWAY INTERMODAL & DISTRIBUTION  
SYSTEMS, KELLEYWAY INTERMODAL  
SERVICES, INC. and KELLEYWAY TERMINAL  
SERVICES, INC.,

Third Party Defendants.

NOTICE OF CROSS-APPEAL AND APPEAL

Third-party defendant Kelleyway filed a Notice of Appeal in the captioned matter on  
September 13, 2002, docketed at 02-3577.

Notice is hereby given that Phillips-Van Heusen Corporation, plaintiff in the above case, hereby cross-appeals and appeals to the United States Court of Appeals for the Third Circuit from the Memorandum Findings of Fact and Conclusions of Law originally entered in this action by the Honorable Sylvia Rambo on the 14th day of August 2002 (a copy of which is attached hereto), to the extent that appropriate damages for market value were not awarded.

Respectfully submitted,

HECKER BROWN SHERRY AND JOHNSON LLP

BY:



CARL H. DELACATO, JR.  
1700 Two Logan Square - 17<sup>th</sup> & Arch Streets  
Philadelphia, PA 19103-2769  
(215) 665-0400  
Attorney for Plaintiff,  
Phillips-Van Heusen Corporation

MATTIONI, LTD.

BY:



GEORGE R. ZACHARKOW  
399 Market Street, Second Floor  
Philadelphia, PA 19106  
(215) 629-1600  
Attorney for Plaintiff,  
Phillips-Van Heusen Corporation

Dated: September 26, 2002

**CERTIFICATE OF SERVICE**

I hereby certify that on this date, a copy of the foregoing Notice of Cross-Appeal and Appeal of plaintiff Phillips-Van Heusen Corporation was served on all counsel of record via first class mail postage pre-paid addressed as follows:


George R. Zacharkow, Esquire  
MATTIONI, LTD.  
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Douglas B. Marcello, Esquire  
THOMAS, THOMAS & HAFFER LLP  
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P.O. Box 999  
Harrisburg, PA 17107

  
\_\_\_\_\_  
Carl H. Delacato, Jr.

Dated: September 26, 2002

INFORMATION STATEMENT TO BE COMPLETED BY U.S. DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA  
HARRISBURG, PA

Phillips-Van Heusen Corp

DISTRICT COURT NO. 1:00-CV-665

Plaintiff

Vs

CT. OF APPEALS NO. \_\_\_\_\_

Mitsui O.S.K. Lines Ltd., Dampskibsselskabet  
AF 1912 Aktieselskab and Aktieselskabet  
Dampskibsselskabet Svendborg,

Defendants/Third Party Plaintiffs

Vs

Kellaway Transportation, Inc., Kellaway Intermodal  
& Distribution Systems, Kellaway Intermodal Services, Inc.,  
and Kellaway Terminal Services, Inc.

Third Party Defendants

NOTICE OF APPEAL FILED

COURT REPORTER(S) Vicki Fox

FILING FEE:

NOTICE OF APPEAL ☒ PAID \_\_\_NOT PAID \_\_\_SEAMAN

DOCKET FEE ☒ PAID \_\_\_NOT PAID \_\_\_USA

CJA APPOINTMENT: (Attach Copy of Order)

\_\_\_ PRIVATE ATTORNEY

\_\_\_ DEFENDER ASSOCIATION OR FEDERAL PUBLIC DEFENDER

\_\_\_ MOTION PENDING

LEAVE TO PROCEED IN FORMA PAUPERIS STATUS, IF APPLICABLE:

(Attach Copy of Order)

\_\_\_ MOTION GRANTED (IN FIRST INSTANCE)

\_\_\_ MOTION DENIED (IN FIRST INSTANCE)

\_\_\_ MOTION PENDING BEFORE DISTRICT JUDGE

CERTIFICATE OF PROBABLE CAUSE (STATE HABEAS CORPUS):

(Attach copy of Order)

\_\_\_ GRANTED

\_\_\_ DENIED

\_\_\_ PENDING

COPIES TO:

Judge Sylvia H. Rambo  
Carl H. Delacato, Jr., Esq.  
George R. Zachardow, Esq.  
David P. Thompson, Esq.  
Charles W. McCammon, Esq.  
Ann-Michele G. Giggins, Esq.

James A. Wescoe, Esq.  
Eileen C. Tannenbaum, Esq.  
Patrick J. Keenan, Esq.  
Douglas B. Marcello, Esq.  
Richard Q. Whelan, Esq.  
William E. Eckenbarger, Jr., Esq.

Date: September 30, 2002

PREPARED BY: /s/ Mark J. Armbruster  
Deputy Clerk



MARY E. D'ANDREA  
Clerk of Court

UNITED STATES DISTRICT COURT  
for the  
MIDDLE DISTRICT OF PENNSYLVANIA  
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Office of the Clerk  
United States Court of Appeals  
for the Third Circuit  
21400 United States Courthouse  
601 Market Street  
Philadelphia, PA 19106-1790

**RE:**

Phillips-Van Heusen Corp

Vs

Mitsui O.S.K. Lines Ltd., Dampskibsselskabet  
AF 1912 Aktieselskab and Aktieselskabet  
Dampskibsselskabet Svendborg,

Defendants/Third Party Plaintiffs

Vs

Kellaway Transportation, Inc., Kellaway Intermodal  
& Distribution Systems, Kellaway Intermodal Services, Inc.,  
and Kellaway Terminal Services, Inc.

**USDC NO: 1:00-CV-665**

**USCA NO:**

**E-mail Account: All correspondence should be sent to the e-mail account:  
PAMDAPPEAL1**

Dear Ms. Waldron:

A *Notice of Appeal* was filed in the above-referenced case.

\_\_\_\_\_  
**Non-Prisoner *Pro Se* Civil Case: Notice of Appeal and Docket Sheet  
available through RACER.**

  X    
**Non-Prisoner Civil Case or Criminal Case: Notice of Appeal and  
Docket Sheet available through RACER.**

The Clerk's Office hereby certifies the record and the docket sheet available through RACER to be the certified list in lieu of the record and/or the certified copy of the docket entries.

Very truly yours,

s/ Mark J. Armbruster  
Deputy Clerk